

Attorney Docket No. P12916  
Customer Number 27045

### **REMARKS/ARGUMENTS**

#### **1.) Claim Amendments**

The Applicant has amended claims 20 and 32-35; claims 1-19 were previously canceled; and claims 36 and 37 have been canceled without prejudice. Accordingly, claims 20-35 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Claim Rejections – 35 U.S.C. § 102(b)**

The Examiner rejected claims 20-23, 25, 26 and 28-35 under 35 U.S.C. § 102(b) as being anticipated by Kainulainen (US 5,796,793A). The Applicant has amended the claims to clarify the claimed invention. Examiner's consideration of the amended claims is respectfully requested.

For instance, amended claim 20 states:

20. A method of synchronizing nodes of a telecommunication network in which a master node is coupled to a Primary Reference Clock (PRC) and a plurality of slave nodes are arranged to synchronize their internal clocks to the PRC using data received on incoming data links, the method comprising:

propagating Synchronization Status Messages through the network from the master node, with each node through which a Message passes incorporating into the Message its own identity, thereby generating in each Message a path which has been followed by the Message;

waiting a predetermined amount of time to introduce ~~introducing~~ an additional delay in the propagation of the Messages in at least certain of the network nodes; and

for each of at least some of the incoming links of each node, registering a path or path length of a Synchronization Status Message received on that link as an attribute for that link.

It appears that the Examiner is interpreting "delay" to be a normal processing delay associated with processing of the messages by the slave nodes. In other words, the delay associated with the propagating step of claim 20. However, it should now be clear "waiting a predetermined amount of time to introduce a delay in the propagation of the Messages in at least certain of the network nodes" is an additional step. To

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eliminate any confusion, the Applicant has amended the claim language to indicate that the step of introducing the delay is in addition to the processing delay associated with formulating messages. Such a concept is not taught nor implied by Kainulainen. In fact, Kainulainen states:

The central idea of the invention is to copy the changed synchronization signature received from the neighboring node to immediately apply also to the other interfaces connected to the node and used for synchronization.

Kainulainen, col. 3, lines 1-4

Thus, Kainulainen appears to teach against imposing an additional delay into the synchronization process.

Because all of the elements of claim 20 are not taught nor implied by Kainulainen, the Applicant believes claim 20 is in a condition for allowance. Independent claims 32-35 have been amended in a similar manner. Thus, they are allowable for the same reasons that claim 20 is allowable.

Claims 20-23, 25, 26 and 28-31 depend from amended claim 20 and recite further limitations in combination with the novel elements of claim 20. Therefore, the allowance of claims 20-23, 25, 26 and 28-31 is also respectfully requested.

### 3.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 24 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Kainulainen in view of Tikalsky (US 5,875,179A). As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." However, as discussed above, amended claim 20 contains elements which are not found in Kainulainen. It is submitted that Tikalsky does not provide the missing claim limitations to amended claim 20. Claims 24 and 27, because they

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depend on claim 20, contain elements which are not found in Kainulainen nor Tikalsky. Therefore, the allowance of claims 24 and 27 is also respectfully requested.

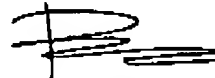
The Examiner rejected claims 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Tikalsky in view of McCanne (US 6,611,872B1). In order to focus issues and to expedite allowance of this application, the Applicant has canceled claims 36 and 37 without prejudice. Therefore, this rejection with respect to claims 36 and 37 is deemed to be moot.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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